

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YOSEF LOWENBEIN

11 CV 1293 (DLI)

Plaintiff,

-against-

**REQUEST TO ENTER
DEFAULT**

ERIC M. BERMAN, P.C.

Defendant.

TO: ROBERT C. HEINEMAN, CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Please enter the default of the defendant VALENTINE & KEBARTAS, INC.
pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or
otherwise defend the above-captioned action as fully appears from the court file herein
and from the attached affirmation of Adam J. Fishbein.

Dated: Cedarhurst, New York
October 4, 2011

/s/

Adam J. Fishbein, P.C. (AF-9508)
Attorney At Law
Attorney for the Plaintiff
483 Chestnut Street
Cedarhurst, New York 11516
Telephone (516) 791- 4400
Facsimile (516) 791- 4411

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YOSEF LOWENBEIN

11 CV 1293 (DLI)

Plaintiff,

-against-

**AFFIDAVIT IN SUPPORT
OF DEFAULT
JUDGMENT**

ERIC M. BERMAN, P.C.

Defendant.

ADAM J. FISHBEIN hereby declares as follows:

1. That I am an attorney licensed to practice in the State of New York and before this Honorable Court.

2. This putative class action suit was commenced pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* for defendant's violations of same.

3. The time within which the defendant may answer or otherwise move with respect to the complaint herein has expired; said defendant has not answered or otherwise moved with respect to the complaint.

4. Said defendant is not an infant or incompetent. Said defendant is not presently in the military service of the United States.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Wherefore, plaintiff requests that the default of the defendant be noted but not enter judgment until the plaintiff has had an opportunity conduct discovery via subpoena to determine numerosity and net worth to proceed with a motion for class certification.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: Cedarhurst, New York
October 4, 2011

/s/

Adam J. Fishbein, P.C. (AF-9508)
Attorney At Law
Attorney for the Plaintiff
483 Chestnut Street
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YOSEF LOWENBEIN

11 CV 1293 (DLI)

Plaintiff,

-against-

ERIC M. BERMAN, P.C.

Defendant.

CERTIFICATE

I, Robert C. Heineman, Clerk of United States District Court for the Eastern District of New York, do hereby certify that the docket entries in the above entitled action indicate that the defendant ERIC M. BERMAN, P.C. was served with a copy of the summons and complaint by personal service upon Chad Matice, authorized to accept service on behalf of the New York Secretary of State duly authorized to accept on August 22, 2011. I further certify that the docket entries indicate that defendant has not filed its answer or otherwise moved with respect to the complaint herein. The default of Eric M. Berman, P.C., Inc. is hereby noted.

Dated: Brooklyn, New York

_____, 2011

ROBERT C. HEINEMAN

Clerk of Court

By: _____
Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YOSEF LOWENBEIN

11 CV 1293 (DLI)

Plaintiff,

-against-

CERTIFICATE OF SERVICE

ERIC M. BERMAN, P.C.

Defendant.

I, Adam J. Fishbein, licensed to practice law in the State of New York and before this Court do hereby certify that on October 4, 2011 I served plaintiff's motion for default and exhibits in support thereof upon Eric M. Berman, P.C. ERIC M. BERMAN, P.C. 500 W MAIN ST / SUITE 212 BABYLON, NEW YORK, 11702-3028, Inc. via first class mail which is the address published on the New York Secretary of State website where service of process is mailed.

/s/

Adam J. Fishbein, P.C. (AF-9508)
Attorney At Law
Attorney for the Plaintiff
483 Chestnut Street
Cedarhurst, New York 11516
Telephone (516) 791- 4400
Facsimile (516) 791- 4411